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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
September 2012 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOHIEL OMAR KABIR,
RALPH KENNETH DELEON,
aka "Ralph De Leon,"
aka "Rafiq Abdul Raheem,"
aka "Ya Seen,"
aka "Ya Sin,"

Defendants.

ED No. CR 12-00092(B) -VAP

S E C O N D S U P E R S E D I N G
I N D I C T M E N T

[18 U.S.C. § 2339A: Conspiracy to Provide Material Support to Terrorists; 18 U.S.C. § 2339B: Conspiracy to Provide Material Support to a Foreign Terrorist Organization; 18 U.S.C. §§ 956(a)(1), (a)(2)(A), (a)(2)(B): Conspiracy to Kill, Kidnap, and Maim Persons in a Foreign Country; 18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1117: Conspiracy to Murder]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

The following was true at all times relevant to this Second Superseding Indictment:

1. Defendant SOHIEL OMAR KABIR ("KABIR") was born in Kabul, Afghanistan, and was a citizen of the United States who resided in the Central District of California until December 2011.

1 2. Defendant RALPH KENNETH DELEON, also known as ("aka")
2 "Ralph De Leon," aka "Rafiq Abdul Raheem," aka "Ya Seen," aka "Ya
3 Sin" ("DELEON"), was a citizen of the Philippines residing in the
4 Central District of California.

5 3. Beginning in or about August 2010 and continuing up to and
6 including on or about November 16, 2012, defendants KABIR and DELEON,
7 and others known to the Grand Jury, including Miguel Alejandro
8 Santana Vidriales, aka "Miguel Santana," aka "Muhammak Khalid Mikael
9 Khattab" ("Santana"), and later Arifeen David Gojali, aka "Arifeen
10 Ghazali," aka "Arifeen Ghozali," aka "Arifeendavud Gojali"
11 ("Gojali"), agreed to coordinate travel from the United States in
12 order to meet with and join other persons overseas, including members
13 of the Taliban and Al-Qa'ida, in order to engage in violent jihad
14 against United States civilian and military personnel and others.

15 4. In or about December 2011, defendant KABIR departed the
16 United States for Germany and, in or about July 2012, he relocated to
17 Kabul, Afghanistan. While in Afghanistan, defendant KABIR
18 communicated with defendant DELEON, Santana, and Gojali and informed
19 them that he had contacted individuals in Afghanistan to make
20 arrangements for himself, defendant DELEON, Santana, and Gojali to
21 join members of the Taliban and Al-Qa'ida in order to receive
22 military-type training and engage in violent jihad.

23 5. While in Afghanistan, defendant KABIR communicated with and
24 provided direction to defendant DELEON, Santana, and Gojali, all of
25 whom were located in the United States, regarding traveling from the
26 United States to Afghanistan and to potential intermediate
27 destinations, including the United Arab Emirates, Turkey, and Saudi
28 Arabia.

1 6. To conceal their true intentions, defendants KABIR and
2 DELEON, along with Santana and Gojali, used coded language when
3 communicating with each other about some of their activities,
4 including plans to travel overseas.

5 7. While in the United States, defendant DELEON, along with
6 Santana and Gojali, and others, participated in training to engage in
7 violent jihad, which included physical exercise, paintball
8 activities, and shooting M16 and AK-47 style assault rifles and other
9 firearms.

10 8. While in the United States, defendant DELEON, Santana, and
11 Gojali obtained valid passports to facilitate their departure from
12 the United States and subsequent overseas travel for the purpose of
13 meeting with and joining defendant KABIR and others, including
14 members of the Taliban and Al-Qa'ida, in order to engage in violent
15 jihad.

16 9. On or about October 20, 2012, defendant KABIR informed
17 Santana, who was then located in the United States, that defendant
18 KABIR had spoken with a person who had connections with "AQ"
19 (referring to Al-Qa'ida) in Pakistan, directed Santana to talk with
20 other co-conspirators and decide whether to join the group in
21 Pakistan or the group in Afghanistan, and told Santana to make sure
22 defendant DELEON tried to sell his car.

23 10. While in the United States, defendant DELEON withdrew from
24 school, obtained a refund of his tuition money, and sold his car in
25 order to raise money for the travel expenses associated with the plan
26 for he and his co-conspirators to travel overseas to engage in
27 violent jihad.

1 11. On or about November 6, 2012, defendant KABIR informed
2 defendant DELEON, who was located in the United States, that he was
3 leaving on a one-way mission and that a person would be waiting at
4 the airport in Kabul for defendant DELEON and the other conspirators
5 when they arrived in Afghanistan. When defendant DELEON asked
6 whether defendant KABIR's trip involved the third letter of the
7 alphabet and the fourth number (referring to C-4, an explosive),
8 defendant KABIR responded "Inshallah."

9 12. To avoid detection, defendant DELEON, Santana, and Gojali
10 planned to depart the United States by driving to Mexico in order to
11 fly from Mexico City to their overseas destination.

12 13. On or about November 14, 2012, defendant DELEON asked
13 INDIVIDUAL A to drive defendant DELEON, Santana, and Gojali to Mexico
14 on November 16, 2012. When making this request, defendant DELEON
15 told INDIVIDUAL A that INDIVIDUAL A would receive heavenly rewards
16 for aiding defendant DELEON and the conspirators.

17 14. While in the United States, defendant DELEON, Santana, and
18 Gojali purchased airline tickets for flights from Mexico City,
19 Mexico, to Istanbul, Turkey.

20 15. On or about November 16, 2012, INDIVIDUAL A drove a
21 passenger vehicle to Santana's residence in Upland, California;
22 picked up Santana, who placed his luggage in INDIVIDUAL A's car; and
23 drove to an apartment complex in Chino, California, intending to pick
24 up defendant DELEON and Gojali in order to drive defendant DELEON and
25 the others to Mexico.

26 16. On or about November 16, 2012, at an apartment complex in
27 Chino, California, defendant DELEON and others, having placed luggage
28

1 into INDIVIDUAL A's vehicle, entered the vehicle intending to drive
2 from Chino, California, to Mexico.

3 Paragraphs 1 through 16 above are hereinafter incorporated in
4 all counts of this Second Superseding Indictment.

COUNT ONE

[18 U.S.C. § 2339A]

Beginning in or about August 2010 and continuing up to and including on or about November 16, 2012, in San Bernardino and Los Angeles Counties, within the Central District of California, and elsewhere, defendants KABIR and DELEON, and others known and unknown to the Grand Jury, conspired and agreed with each other to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including property, services, and personnel, including themselves, knowing and intending that they were to be used in preparation for, and in carrying out, violations of the following federal laws:

a. Title 18, United States Code, Section 956 (conspiracy to commit at a place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming, if committed in the special maritime and territorial jurisdiction of the United States, where one of the conspirators committed an act within the jurisdiction of the United States to effect an object of the conspiracy);

b. Title 18, United States Code, Section 1114 (killing and attempting to kill officers and employees of the United States and of any agency or branch of the United States (including members of the uniformed services), while such officers and employees were engaged in or on account of the performance of official duties, and any person assisting such officers and employees); and

c. Title 18, United States Code, Sections 2332(a) and (b) (killing, attempting, and conspiring to kill, a national of the United States while such national is outside the United States).

COUNT TWO

[18 U.S.C. § 2339B]

Beginning in or about August 2010 and continuing up to and including on or about November 16, 2012, in San Bernardino and Los Angeles Counties, within the Central District of California, and elsewhere, defendants KABIR and DELEON, and others known and unknown to the Grand Jury, knowingly conspired and agreed with each other to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including property, services, and personnel, including themselves, to a foreign terrorist organization, namely Al-Qa'ida, knowing that the organization was a designated terrorist organization and that the organization had engaged in and was engaging in terrorist activity and terrorism.

COUNT THREE

[18 U.S.C. §§ 956(a)(1), (a)(2)(A), (a)(2)(B)]

A. OBJECT OF THE CONSPIRACY

Beginning in or around August 2010 and continuing up to and including on or about November 16, 2012, in San Bernardino and Los Angeles Counties, within the Central District of California, and elsewhere, defendants KABIR and DELEON and others known and unknown to the Grand Jury knowingly conspired and agreed with each other to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States.

B. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the conspiracy and to accomplish the object of the conspiracy, defendants KABIR and DELEON, and other conspirators known and unknown to the Grand Jury committed overt acts, including those alleged in paragraphs 1 through 16, above.

COUNT FOUR

[18 U.S.C. § 371]

A. OBJECT OF THE CONSPIRACY

Beginning in or about August 2010 and continuing up to and including November 16, 2012, in San Bernardino and Los Angeles Counties, within the Central District of California, and elsewhere, defendants KABIR and DELEON, and others known and unknown to the Grand Jury, knowingly conspired to commit an offense against the United States, namely, to knowingly receive military-type training from, and on behalf, of Al-Qa'ida, which was a designated foreign terrorist organization under section 219(a)(1) of the Immigration and Nationality Act, in violation of Title 18, United States Code, Section 2339D.

B. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the conspiracy and to accomplish the object of the conspiracy, defendants KABIR and DELEON, together with other conspirators known and unknown to the Grand Jury, committed and willfully caused others to commit overt acts, including, among others, those alleged in paragraphs 1 through 16, above.

COUNT FIVE

[18 U.S.C. § 1117]

A. OBJECT OF THE CONSPIRACY

Beginning in or about August 2010 and continuing up to and including November 16, 2012, in San Bernardino and Los Angeles Counties, within the Central District of California, and elsewhere, defendants KABIR and DELEON, and others known and unknown to the Grand Jury, knowingly conspired and agreed to kill officers and employees of the United States and of any agency in any branch of the United States Government (including members of the uniformed services) while such officers and employees were engaged in or on account of the performance of their official duties, in violation of Title 18, United States Code, Section 1114.

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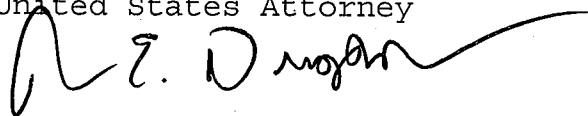
B. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the conspiracy and to accomplish the object of the conspiracy, defendants KABIR and DELEON, together with other conspirators known and unknown to the Grand Jury, committed and willfully caused others to commit overt acts, including, among others, those alleged in paragraphs 1 through 16, above.

A TRUE BILL

15
Foreperson

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